

CLOSED

**U.S. District Court
Eastern District of New York (Brooklyn)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00027-SJB All Defendants**

Case title: USA v. Mostofsky

Date Filed: 01/12/2021

Date Terminated: 01/12/2021

Assigned to: Magistrate Judge Sanket J. Bulsara

Defendant (1)

Aaron Mostofsky

TERMINATED: 01/12/2021

Pending Counts

Disposition

None

Highest Offense Level (Opening)

None

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

Disposition

None

Plaintiff

USA

represented by **Joshua G. Hafetz**

U.S. Attorney's Office – EDNY

271 Cadman Plaza East

Brooklyn, NY 11201

718–254–6290

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Government Attorney

Date Filed	#	Page	Docket Text
01/12/2021	<u>1</u>		RULE 40 AFFIDAVIT / Removal complaint to the District of Columbia by USA as to Aaron Mostofsky. Signed by Judge Sanket Bulsara dtd 1/12/2021. (Yuen, Sui-May) (Entered: 01/13/2021)
01/12/2021			Minute Entry for proceedings held before Magistrate Judge Sanket J. Bulsara VIA WEBEX VIDEO/AUDIO :Initial Appearance in Rule 5(c)(3) Proceedings as to Aaron Mostofsky held on 1/12/2021. Log 3:26–4:18pm) AUSA Joshua Hafetz present. Defendant present w/ retain counsel Jeffrey Schwartz. Defendant arraigned on a removal complaint to the District of Columbia. Defendant released on a consent bond set in the amount f \$100,000 with conditions. Defendant and suretor advised of bond obligations. Defendant gave permission for Court to sign bond on his behalf. Defendant waived identity hearing. Defendant to appear on 1/25/2021 at 1pm for a virtual appearance with duty magistrate judge in D.C. (Yuen, Sui-May) (Entered: 01/13/2021)
01/12/2021	<u>2</u>		ORDER Setting Conditions of Release as to Aaron Mostofsky (1) \$100,000 bond. Ordered by Magistrate Judge Sanket J. Bulsara on 1/12/2021. (Yuen, Sui-May) (Entered: 01/13/2021)
01/12/2021	<u>3</u>		CJA 23 Financial Affidavit by Aaron Mostofsky (Yuen, Sui-May) (Entered: 01/13/2021)
01/12/2021	<u>4</u>		WAIVER of Rule 5(c)(3) Hearing by Aaron Mostofsky (Yuen, Sui-May) (Entered: 01/13/2021)
01/12/2021			ORDER: This order is entered pursuant to Federal Rule of Criminal Procedure 5(f) to confirm the prosecution's disclosure obligations under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, and to summarize the possible consequences of violating those obligations. as to Aaron Mostofsky. Ordered by Magistrate Judge Sanket J. Bulsara on 1/12/2021. (Yuen, Sui-May) (Entered: 01/13/2021)

DMP/CRH:ICR/JGH/FJN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

AARON MOSTOFSKY,

Defendant.

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE
DISTRICT OF COLUMBIA

(Fed R. Crim. P. 5)

Case No. 21-M-27

----- X

EASTERN DISTRICT OF NEW YORK, SS:

ANGELA GORMAN, being duly sworn, deposes and states that she is a Special Agent with the Federal Bureau of Investigation (“FBI”) assigned to the Joint Terrorism Task Force (“JTTF”), duly appointed according to law and acting as such.

On or about January 11, 2021, the United States District Court for the District of Columbia issued an arrest warrant commanding the arrest of the defendant AARON MOSTOFSKY in connection with a complaint charging him with violating the following statutes: 18 U.S.C. 641 (theft of government property); 18 U.S.C. 1752(a)(1) (unlawfully entering and remaining in a restricted building); 18 U.S.C. 1752(a)(2) (impeding government business or official functions); and 40 U.S.C. 5104(e)(2)(D), (G) (unlawful entry and disorderly conduct).

The source of your deponent's information and the grounds for her belief are as follows:¹

1. On or about January 11, 2021, the United States District Court for the District of Columbia issued an arrest warrant commanding the arrest of the defendant AARON MOSTOFSKY in connection with a criminal complaint (the "Complaint") charging him with violating the following statutes: 18 U.S.C. 641 (theft of government property); 18 U.S.C. 1752(a)(1) (unlawfully entering and remaining in a restricted building); 18 U.S.C. 1752(a)(2) (impeding government business or official functions); and 40 U.S.C. 5104(e)(2)(D), (G) (unlawful entry and disorderly conduct). True and correct copies of the arrest warrant, Complaint and underlying statement of facts are attached as Exhibit 1.

2. On or about January 12, 2021, JTTF agents, including the undersigned affiant, arrested the defendant AARON MOSTOFSKY in Brooklyn, New York pursuant to the warrant for his arrest. The defendant stated that his name is "Aaron Mostofsky." The defendant also provided his date of birth and the last four digits of his social security number, both of which match the date of birth and social security number of the defendant AARON MOSTOFSKY wanted in the District of Columbia.

3. I have compared the photographs of "Aaron Mostofsky" contained in the Complaint with the defendant and believe the photographs depict the same person – the defendant AARON MOSTOFSKY wanted in the District of Columbia. Furthermore, I have compared video footage published in media accounts of an interview with an individual who

¹ Because the purpose of this affidavit is to set forth only those facts necessary to establish probable cause for removal, I have not described all of the relevant facts and circumstances of which I am aware.

identifies himself as "Aaron" inside the United States Capitol on January 6, 2021, as detailed in the Complaint, and I have compared that footage to the defendant and I believe that the individual in the video is defendant AARON MOSTOFSKY.

4. Based on the foregoing, I submit that there is probable cause to believe that the defendant is the AARON MOSTOFSKY wanted in the District of Columbia.

WHEREFORE, your deponent respectfully requests that the defendant AARON MOSTOFSKY be removed to the District of Columbia so that he may be dealt with according to law.



ANGELA GORMAN
Special Agent
Federal Bureau of Investigation

Sworn to before me by telephone this
12th day of January, 2021



THE HONORABLE SANKET J. BULSARA
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

EXHIBIT 1

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America

v.

Aaron Mostofsky

Case No.

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay*(name of person to be arrested)* Aaron Mostofsky,

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. 641, Theft of Government Property (Felony); 18 U.S.C. 1752(a)(1), Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority; 18 U.S.C. 1752(a)(2), Knowingly engages in disorderly or disruptive conduct in any restricted building; 40 U.S.C. 5104(e)(2)(D) & (G), Knowingly Engaging in Disorderly Conduct with the intent to Impede, Disrupt, or Disturb the Orderly Conduct of Either House of Congress by Engaging in Disruptive or Disorderly Conduct and Parade, Demonstrate, or Picket in Any of the Capitol Buildings.

Date: 01/11/2021

2021.01.11

17:25:21 -05'00'

*Issuing officer's signature*City and state: Washington, DCZIA M. FARUQUI, U.S. Magistrate Judge*Printed name and title*

Return

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____
 at *(city and state)* _____.

Date: _____

*Arresting officer's signature**Printed name and title*

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Aaron Mostofsky

DOB: XXXXXXXXXX

Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the
 _____ District of Columbia, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 641

Theft of Government Property (Felony)

18 U.S.C. 1752(a)(1)

Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;

18 U.S.C. 1752(a)(2)

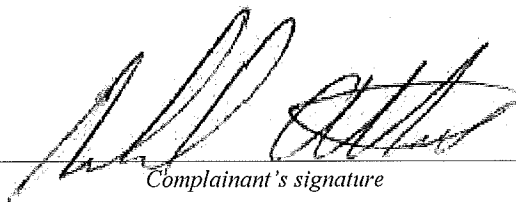
Knowingly, With Intent to Impede Government Business or Official Functions, Engaging in Disorderly Conduct on Capitol Grounds;

40 U.S.C. 5104(e)(2)(D), (G)

Unlawful entry and disorderly conduct.

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.


Complainant's signature

Michael Attard, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 Telephone (specify reliable electronic means).

Date: 01/11/2021


2021.01.11 17:29:57
 -05'00'

Judge's signature

City and state: Washington, DC

ZIA M. FARUQUI, United States Magistrate Judge

Printed name and title

STATEMENT OF FACTS

On January 6, 2021, your affiant, Michael Attard was on duty and performing my official duties as a Special Agent. Specifically, I am assigned to the Counter-terrorism squad tasked with investigating criminal activity in and around the Capitol grounds. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws. The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

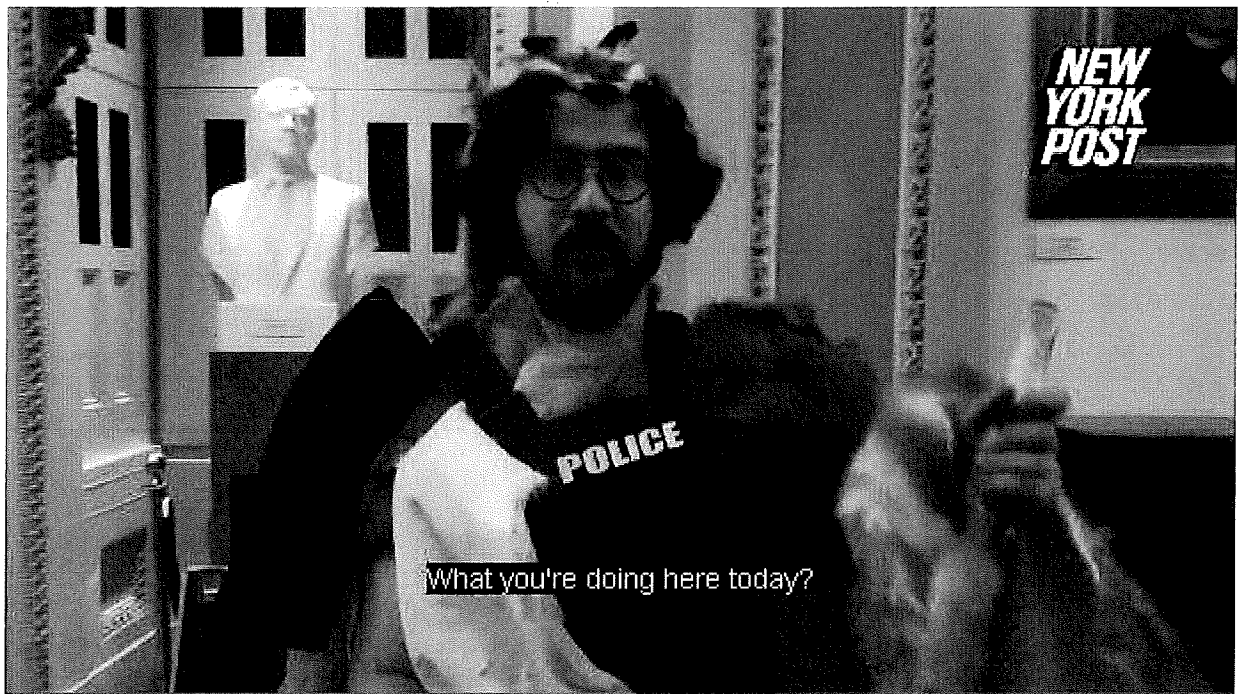
On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Vice President Mike Pence was present and presiding in the Senate chamber.

With the joint session underway and with Vice President Mike Pence presiding, a large crowd gathered outside the U.S. Capitol. Temporary and permanent barricades surround the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. At such time, the joint session was still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows. Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

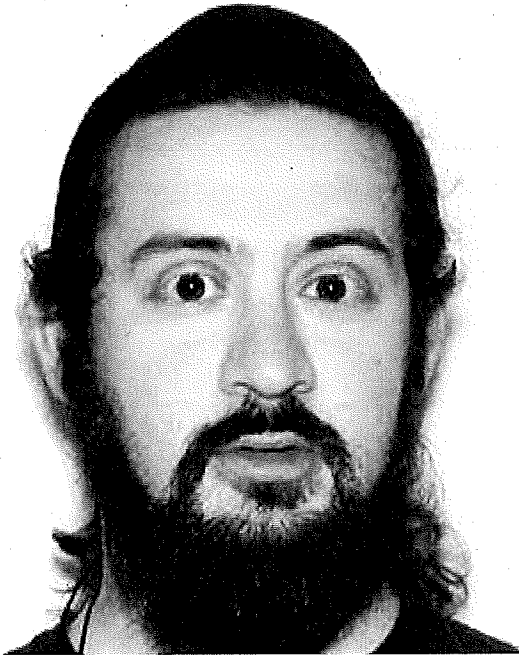
On January 6, 2021, the subject who identified himself to a New York Post reporter in an interview was profiled in a New York Post article titled, “NYC man says he stormed US Capitol to fight stolen election.” In the video interview, “Aaron” explained his actions by stating: “the election was stolen”, “we were cheated”, and “I don’t think 75 million people voted for Trump. I

think it was close to 85 million". "Aaron" continued to tell the interviewer that he traveled from Brooklyn, NY. The New York Post video interview was conducted inside the Capitol Building, during which "Aaron" is observed carrying what appears to be a US Capitol Police riot shield containing the US Capitol Police logo, as well as wearing a US Capitol Police officer's bullet proof vest labeled "Police". An image captured from the video interview is provided below¹. In the video interview "Aaron" states that he took a police riot shield that he found on floor. "Aaron" then motioned to the police vest on his chest, in what appears to be him indicating that he also found that item on the floor and took it into his possession. He also states that he found a hat on the ground but he returned that item to a police officer because that might be someone's personal item. The police riot shield and police vest are items of value belonging to the United States, specifically the US Capitol Police. The police vest is comprised of a carrier, body plates within the vest, and side ballistics, with a total value of \$1,905.00. The riot shield is valued at \$256.65.



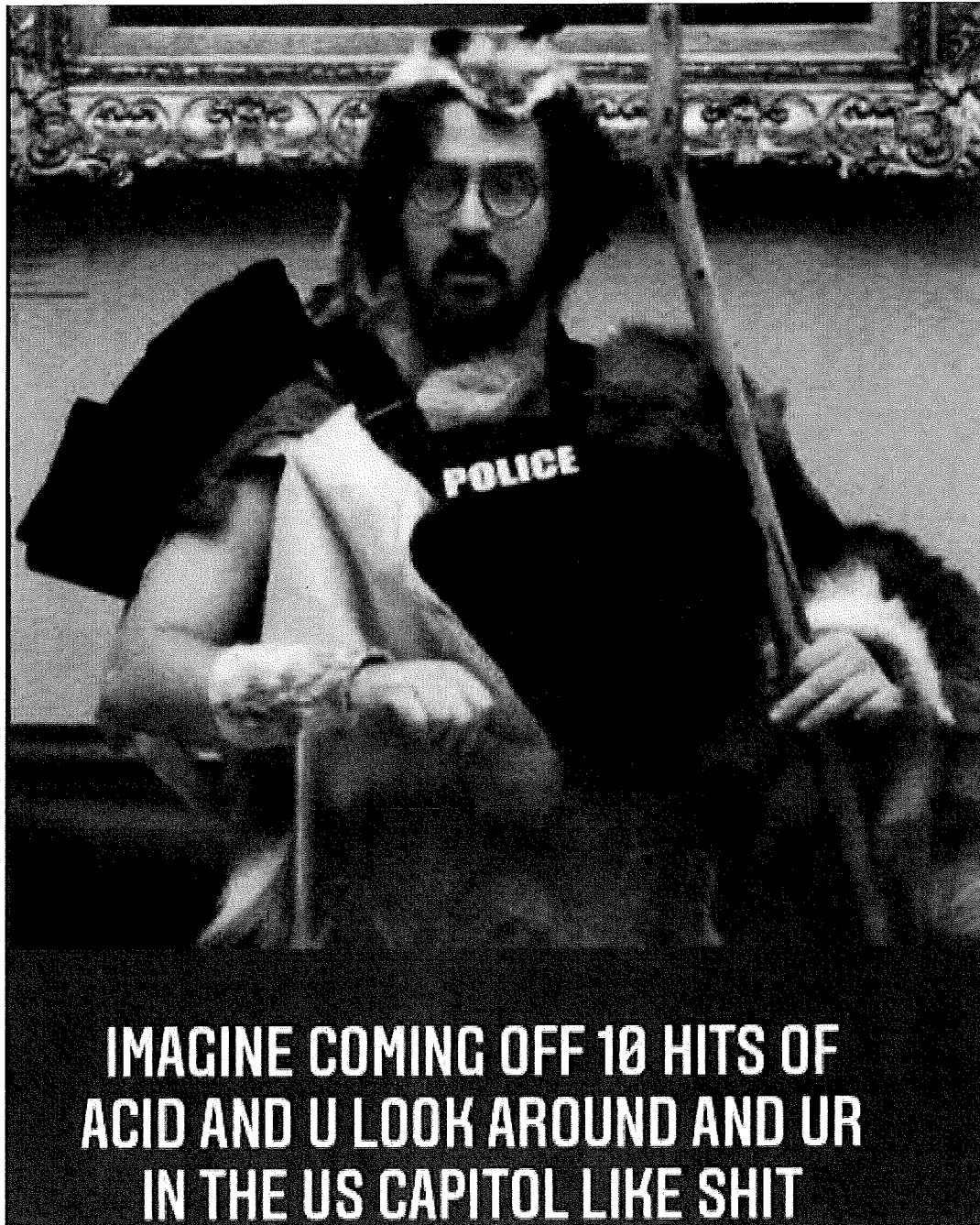
On January 7, 2021, your affiant located a second article from the New York Post titled, "NYC man who breached US Capitol is son of prominent Brooklyn judge". The article identified "Aaron" as Aaron Mostofsky. A search of New York State Department of Motor Vehicle images associated with Aaron Mostofsky revealed a photograph that matched the depiction of the individual interviewed within the US Capitol known as "Aaron". The image from the New York State Department of Motor Vehicles is provided below:

¹ At one point in the video interview the camera pans down to more clearly show the police riot shield, which "Aaron" is holding up by resting the bottom of the ground. The shield clearly shows the insignia of the U.S. Capitol Police.



On January 7, 2021, an FBI review of social media accounts belonging to Aaron Mostofsky identified an Instagram account “aaron_mostofsky_official” which contained videos taken both inside and outside the US Capitol taken by a male believed to be Mostofsky. One video posted on January 6, 2021, which appears to show Mostofsky on a bus, and appears to be a self-taken video, was labeled “DC bound stopthesteal”.

On January 8, 2021, a search warrant was issued by the United States District Court for the Eastern District of New York related to the Instagram account “aaron_mostofsky_official”. The user of the account was confirmed as Aaron Mostofsky. Review of these records show additional posts regarding the Mostofsky presence in the US Capitol Building. In particular, the records show that on January 7, 2021, a photo was sent to Mostofsky by another user showing him within the US Capitol carrying a US Capitol Police riot shield containing the US Capitol Police logo, as well as wearing a US Capitol Police officer’s bullet proof vest labeled “Police.” The photo is consistent with images from Mostofsky’s news interview from within the U.S. Capitol, including Mostofsky’s attire. The shared photo is shown below.



A message was sent to Mostofsky regarding the photo saying: "Your famous." In response, Mostofsky, under his username aaron_mostofsky_official, stated: "IK unfortunately." The sender asked: "why unfortunately." Mostofsky responded "Cause now people actually know me." Mostofsky in this conversation confirms that he is the person in the photo wearing and holding property of the U.S. Capitol Police. During the same conversation Mostofsky also describes his presence in the U.S. Capitol stating: "But it was like I'm here now how did I get there." In a separate post made by Mostofsky at approximately 6:09 AM on January 6, 2020, he indicates that he is "...on this bus going to DC." Furthermore, when trying to coordinate meeting up with a friend within the group on January 6, 2020, Mostofsky's message states: If we find each other look

for a guy looking like a caveman.” He later states, in a likely reference to the presidential election: “Even a caveman knows it was stolen.”

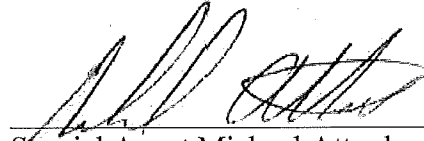
Further research identified a Facebook account, user ID: 763517572, believed to belong to Aaron Mostofsky, in which Mostofsky posted the comment on November 7, 2018: “Since the republicans lost the house I have the following questions 1 when and where are we protesting/rioting...”

Based on the foregoing, your affiant submits there is probable cause to believe that Aaron Mostofsky violated 18 U.S.C. § 641, which makes it a crime for a person to embezzle, steal, purloin, or knowingly convert to his use or the use of another, or without authority, sell, convey or dispose of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or receive, conceal, or retain the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted. As the value of the thing taken is greater than \$1,000, there is probable cause to believe Aaron Mostofsky has committed a felony offense.

Also, your affiant submits that there is probable cause to believe that Aaron Mostofsky, violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

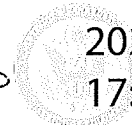

Finally, your affiant submits there is also probable cause to believe that Aaron Mostofsky violated 40 U.S.C. § 5104(e)(2)(D) & (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct

in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Special Agent Michael Attard
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 11th day of January 2021.



2021.01.11
17:00:37 -05'00'

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE

MIME-Version:1.0
From:ecf_bounces@nyed.uscourts.gov
To:nobody@nyed.uscourts.gov
Bcc:
--Case Participants:
--Non Case Participants:
--No Notice Sent:

Message-Id:15497056@nyed.uscourts.gov
Subject:Activity in Case 1:21-mj-00027-SJB USA v. Mostofsky Initial Appearance - Rule 5(c)(3)
Content-Type: text/html

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 1/13/2021 at 10:02 AM EST and filed on 1/12/2021

Case Name: USA v. Mostofsky
Case Number: 1:21-mj-00027-SJB
Filer:
Document Number: No document attached

Docket Text:

Minute Entry for proceedings held before Magistrate Judge Sanket J. Bulsara VIA WEBEX VIDEO/AUDIO :Initial Appearance in Rule 5(c)(3) Proceedings as to Aaron Mostofsky held on 1/12/2021. Log 3:26-4:18pm) AUSA Joshua Hafetz present. Defendant present w/ retain counsel Jeffrey Schwartz. Defendant arraigned on a removal complaint to the District of Columbia. Defendant released on a consent bond set in the amount f \$100,000 with conditions. Defendant and suretor advised of bond obligations. Defendant gave permission for Court to sign bond on his behalf. Defendant waived identity hearing. Defendant to appear on 1/25/2021 at 1pm for a virtual appearance with duty magistrate judge in D.C. (Yuen, Sui-May)

1:21-mj-00027-SJB-1 Notice has been electronically mailed to:

1:21-mj-00027-SJB-1 Notice will not be electronically mailed to:

Joshua G. Hafetz
U.S. Attorney's Office – EDNY
271 Cadman Plaza East
Brooklyn, NY 11201

UNITED STATES OF AMERICA

V.

**ORDER SETTING CONDITIONS OF RELEASE
AND APPEARANCE BOND**

Aaron Mostofsky, Defendant.

Case Number: 20-17 M

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released subject to the Standard Conditions of Release on the reverse and as follows:

- ☐ Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or
☒ Upon **Bond** executed by the defendant in the amount of \$ 100,000, and
secured by ☒ financially responsible sureties listed below and/or ☐ collateral set forth below.

Additional Conditions of Release

The Court finding that release under the Standard Conditions of Release on the reverse will not by themselves reasonably assure the appearance of the defendant and/or the safety of other persons and the community, IT IS FURTHER ORDERED as follows:

- ☒ 1. The defendant must remain in and may not leave the following areas without Court permission: ☒ New York City; ☐ Long Island, NY; ☐ New York State; ☐ New Jersey; ☐ _____ and travel to and from this Court and the permitted areas.
- ☒ 2. The defendant must avoid all contact with the following persons or entities: Any Known
co-defendants or co-conspirators, unless in the presence of counsel;
- ☒ 3. The defendant must avoid and not go to any of the following locations: Avoid all State Capitols
- ☒ 4. The defendant must surrender all passports to Pretrial Services by _____ and not obtain other passports or international travel documents.
- ☒ 5. The defendant is placed under the supervision of the Pretrial Services Agency subject to the Special Conditions on the reverse and:
- ☒ a. is subject to random visits by a Pretrial Services officer at defendant's residence and/or place of work;
- ☒ b. must report ☒ as directed by Pretrial Services or ☐ in person _____ times per _____ and/or ☐ by telephone _____ times per _____.
- ☒ c. must undergo ☒ testing, ☒ evaluation and/or ☐ treatment for substance abuse, including alcoholism, as directed by Pretrial Services.
- ☒ d. must undergo evaluation and treatment for mental health problems, as directed by Pretrial Services.
- ☒ e. is subject to the following location restriction program with location monitoring, as directed by Pretrial Services:
- ☐ home incarceration: restricted to home at all times, except for attorney visits, court appearances and necessary medical treatment;
- ☐ home detention: restricted to home at all times, except for attorney visits, court appearances, medical treatment, ☐ religious services,
- ☐ employment, ☐ school or training, ☐ other activities approved by Pretrial Services, ☐ _____
- ☒ curfew: restricted to home every day from _____ to _____, or ☒ as directed by Pretrial Services.
- ☐ Defendant must pay all or part of the cost of any required testing, evaluation, treatment and/or location monitoring with personal funds, based upon ability to pay as determined by the Court and the Pretrial Services Agency, and/or from available insurance.
- ☒ 6. Other Conditions: Neil Mostofsky - 3rd party custodian; no political gatherings; travel only approved by Pretrial Services.

APPEARANCE BOND

I, the undersigned defendant, and each surety who signs this bond, acknowledge that I have read this Appearance Bond and, and have either read all the other conditions of release or have had those conditions explained. I further acknowledge that I and my personal representatives, jointly and severally, are bound to pay the United States of America the sum of \$ 100,000 and that this obligation is secured with the below interest in the following property ("Collateral") which I represent is/are free and clear of liens except as otherwise indicated:

- ☐ cash deposited in the Registry of the Court in the sum of \$ _____;
- ☒ premises located at: 1505 East 17th St Brooklyn, NY 11230 owned by _____
- ☒ I also agree to execute a confession of judgment, mortgage or lien in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before 1/26/2021

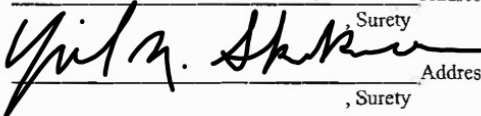
Each owner of the above Collateral agrees not to sell the property, allow further claims or encumbrances to be made against it, or do anything to reduce its value while this Appearance Bond is in effect.

Forfeiture of the Bond. This Appearance Bond may be forfeited if the defendant fails to comply with any of the conditions set forth above and on the reverse. The defendant and any surety who has signed this form also agree that the court may immediately order the amount of the bond surrendered to the United States, including any security for the bond, if the defendant fails to comply with the above agreement. The court may also order a judgment of forfeiture against the defendant and against each surety for the entire amount of the bond, including any interest and costs.

Date

X Yisroel Shenkman, Address: 1505 East 17th Street Brooklyn, NY 11230

1/12/2021


_____, Surety

Address: _____

, Surety

Address: _____

, Surety

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release and of the penalties and sanctions set forth on the front and reverse sides of this form.

X Aaron Mosofsky By SJB

Signature of Defendant

Release of the Defendant is hereby ordered on 1/12 2021.


_____, US MJ

<div style="display: flex; justify-content: space-between;"> <div>CJA 23 (Rev. 11/11)</div> <div style="text-align: center;">FINANCIAL AFFIDAVIT</div> <div>IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE</div> </div>			
<div style="display: flex; justify-content: space-between;"> <div>IN THE UNITED STATES</div> <div><input type="checkbox"/> DISTRICT COURT</div> <div><input type="checkbox"/> COURT OF APPEALS</div> <div><input type="checkbox"/> OTHER (Specify below)</div> </div>			
IN THE CASE OF <div style="border-bottom: 1px solid black; width: 100%;"></div> v. <div style="border-bottom: 1px solid black; width: 100%;"></div>		FOR <div style="border-bottom: 1px solid black; width: 100%;"></div> AT <div style="border-bottom: 1px solid black; width: 100%;"></div>	
PERSON REPRESENTED (Show your full name) <div style="border-bottom: 1px solid black; width: 100%;"></div>		<div style="display: flex;"> <div style="flex: 1;"> 1 <input type="checkbox"/> Defendant - Adult 2 <input type="checkbox"/> Defendant - Juvenile 3 <input type="checkbox"/> Appellant 4 <input type="checkbox"/> Probation Violator 5 <input type="checkbox"/> Supervised Release Violator 5 <input type="checkbox"/> Habeas Petitioner 7 <input type="checkbox"/> 2255 Petitioner 8 <input type="checkbox"/> Material Witness 9 <input type="checkbox"/> Other (Specify) _____ </div> <div style="flex: 1; border: 1px solid black; padding: 2px;"> DOCKET NUMBERS Magistrate Judge District Court Court of Appeals </div> </div>	
CHARGE/OFFENSE (describe if applicable & check box →) <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor </div>			
ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY			
INCOME & ASSETS	EMPLOYMENT	Are you now employed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Self-Employed Name and address of employer: _____ <div style="display: flex; justify-content: space-between;"> <div>IF YES, how much do you earn per month? \$ _____</div> <div>IF NO, give month and year of last employment? _____ How much did you earn per month? \$ _____</div> </div>	
	OTHER INCOME	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input type="checkbox"/> No <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>IF YES, give the amount received and identify the sources</div> <div>RECEIVED</div> <div>SOURCES</div> </div>	
	CASH	Do you have any cash on hand or money in savings or checking accounts? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, total amount? \$ _____	
	PROPERTY	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input type="checkbox"/> No <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>IF YES, give value and description for each</div> <div>VALUE</div> <div>DESCRIPTION</div> </div>	
	<div style="display: flex;"> <div style="flex: 1; text-align: center; padding: 5px;">DEPENDENTS</div> <div style="flex: 2; padding: 5px;"> MARITAL STATUS Single _____ Married _____ Widowed _____ Separated or Divorced _____ </div> <div style="flex: 1; padding: 5px;"> List persons you actually support and your relationship to them <div style="border-bottom: 1px solid black; width: 100%;"></div> <div style="border-bottom: 1px solid black; width: 100%;"></div> <div style="border-bottom: 1px solid black; width: 100%;"></div> </div> </div>		
OBLIGATIONS & DEBTS	DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	DESCRIPTION	TOTAL DEBT
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____

I certify under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)

Date

UNITED STATES DISTRICT COURT

for the

United States of America
v.
Aaron Mostofsky

Defendant

Case No. 20-17 M
Charging District's Case No.

WAIVER OF RULE 5 & 5.1 HEARINGS (Complaint or Indictment)

I understand that I have been charged in another district, the *(name of other court)* District of Columbia

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my
☐ preliminary hearing and/or ☐ detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 1/12/2021

S/ Aaron Mostofsky

Defendant's signature

S/ Jeffrey Schwartz

Signature of defendant's attorney

Printed name of defendant's attorney

MIME-Version:1.0
From:ecf_bounces@nyed.uscourts.gov
To:nobody@nyed.uscourts.gov
Bcc:
--Case Participants:
--Non Case Participants:
--No Notice Sent:

Message-Id:15497085@nyed.uscourts.gov
Subject:Activity in Case 1:21-mj-00027-SJB USA v. Mostofsky Order Pursuant to Federal Rule
of Criminal Procedure 5(f)
Content-Type: text/html

U.S. District Court
Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 1/13/2021 at 10:07 AM EST and filed on 1/12/2021

Case Name: USA v. Mostofsky
Case Number: 1:21-mj-00027-SJB
Filer:
Document Number: No document attached

Docket Text:

ORDER: This order is entered pursuant to Federal Rule of Criminal Procedure 5(f) to confirm the prosecution's disclosure obligations under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, and to summarize the possible consequences of violating those obligations. as to Aaron Mostofsky. Ordered by Magistrate Judge Sanket J. Bulsara on 1/12/2021. (Yuen, Sui-May)

1:21-mj-00027-SJB-1 Notice has been electronically mailed to:

1:21-mj-00027-SJB-1 Notice will not be electronically mailed to:

Joshua G. Hafetz
U.S. Attorney's Office – EDNY
271 Cadman Plaza East
Brooklyn, NY 11201